

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA
☒ EEOC

Tennessee Human Rights Commission

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

Ms. Rebecca Berry

Home Phone (Incl. Area Code)

(423) 213-3783

Date of Birth

6/3/1974

Street Address

531 Laurels Road

City, State and ZIP Code

Johnson City, TN 37601

County

Washington

Named Is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

Target Corporation

No. Employees, Members

Over 500

Phone No. (Include Area Code)

423-854-8899

Street Address

2116 N. Roan Street, Johnson City, TN 37601-2535

City, State and ZIP Code

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☒ RETALIATION ☐ AGE ☐ DISABILITY ☐ GENETIC INFORMATION
☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

3/2012☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).

Please see attached Addendum.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY — When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

8-8-13

Date

Rebecca Berry

Charging Party Signature

EXHIBIT

ADDENDUM TO CHARGE OF DISCRIMINATION

REBECCA BERRY

I have worked for Target in Johnson City for 17 years. For the past 8 years, I have worked in Backroom Logistics on the bulk side. I began working with Randall Steadman in the backroom in March of 2012. I was supposed to train him, and I did for a couple of weeks. During that time, Randall engaged in behavior that made me very uncomfortable, including touching me on my hands and arms and squeezing them and rubbing my back. On one occasion, he put his arm underneath mine and rested his forearm underneath my left breast. He asked me three times to go to lunch with him, which I refused. Instead of listening to my instruction, he would take things out of my hands and say, "Let me do that, honey."

After working with Randall for a couple of weeks, I went to my immediate supervisor, Barbara Savage, and told her what Randall had been doing. Her response was, "Gosh, he likes you." She did not take my concerns seriously. Two days later, I went back to Barbara and asked her to take my concerns to human resources, and she said she would. The next day, Barbara told me she had talked to Lauren Buble in HR and "it had been taken care of." Randall was moved to the light duty side, but he was still in the backroom, and I still had frequent interactions with him. In addition, Barbara continued to joke about my complaint and said, "It's really sad you and him can't work it out. Can you not forgive him? Can't you guys just kiss and make up?"

Approximately one week later, I learned that my co-worker, Kelly Grindstaff, who does Receiving, would be going on vacation. I normally fill in for Kelly when she is out. Barbara informed me that she wanted Randall to fill in for me while I worked for Kelly, which meant that we would be working together in the backroom. She also asked me if I would train him for a couple of days to refresh his memory. I told her I would not. When I expressed to Barbara that I did not want to spend a week working directly with Randall, she responded, "It will be perfect because he'll be right there with you all day so if he has any questions, you'll be there, and maybe you can make up." I complained to Barbara's supervisor, Chris Suggs, and ultimately someone else filled in for my position.

Over the course of the next several weeks, however, Randall continued to find reasons to come to the backroom when I was working. I made complaints to Lauren in HR and the store manager, Matt. I was told that Randall had been spoken to and should not do anything else. I asked if he could be moved out of the backroom, and Matt said he could not give an opinion on that. At one point, I went back to where my merchandise was located in the backroom, and Randall was standing in front of my area, changing his shirt. I complained to Matt again, and he said Randall would be taken out of the backroom, but when the next schedule came out, Randall was scheduled in the backroom for two weeks.

Randall was eventually moved out of the backroom, but he still continues to find reasons to come to my area. One time when he was training a new hire, he passed by me, and I heard him tell the new hire, "Don't get too close to this one or you'll make her cry." I reported this to store management, but nobody ever discussed it with me. He continues to come back to my area at every opportunity to bring

me stuff from flow, even though there are many other team members in flow who could do it. He will often block my path in the backroom and stand in front of the time clock and not let me clock in.

After I made my numerous complaints about Randall, I began to experience tension from Barbara. She seemed annoyed with me and would not speak with me. She cut my hours while giving extra hours to other employees, including Randall. I used to always fill in for Kelly when she was out, but Barbara began using other employees. She used a co-worker named Joe, who had to continually ask me how to do things, and Joe got 40 hours while I got 32. Barbara had previously told me several times that if Kelly ever left Target, I was her first choice for that job, which has a higher rate of pay. Barbara trained Randall for the "in stocks" area, an area where I had already been trained for several years. Barbara used to let me do in stocks about two times per month for extra hours, but she gave those hours to Randall. On a few occasions, Barbara has specifically asked Randall to come work in the backroom when she knows I am there working. Other employees even commented on the fact that Randall was not supposed to be working in the backroom while I was there. Randall said he was backstocking and would be there all day.

In October of 2012, I e-mailed a history of my complaints to corporate HR. In November, I spoke with a lady named Amy, who works in HR at corporate, and went over everything that was happening with Randall and what I felt was retaliation from Barbara. Amy dismissed my complaints and said that Randall must be more aggressive in trying to seek out extra hours than I am. She told me I was assuming too much about why I was not getting extra hours and being able to fill in for Kelly in Receiving like I used to. I pointed out that none of these things happened until after I complained about Randall. Amy said that Randall could not be denied hours in other areas, but I pointed out that the areas in which he was getting extra hours were areas in which I had been trained and had previously received extra hours. I never heard anything back from Amy.

In December, Lauren from HR spoke with me and told me she knew I had spoken with Amy and that Randall would continue to be scheduled in the backroom and other areas that required him to be in the backroom, but they would try not schedule him when I was working. Nothing was mentioned about the fact that I was no longer getting the hours and extra work I used to get.

The interactions with Randall are still continuing, as he is still scheduled to work when I do and still finds reasons to come to my working area. At the end of April, I received my annual review from Barbara, and it was the worst review I have ever received. She told me I'd had an "emotional upheaval" this year. I received an overall rating of "excellent" by Barbara's supervisor, Kris, but when Barbara actually put the marks down on the review, she gave me scores that would have only had me at "efficient." She said she gave me low marks because of my emotional issues. I went to the store manager and explained what Barbara had done, and he told me he would get me a new review.

In sum, I have spent the last sixteen months having to work with Randall, despite his continued inappropriate behavior. My complaints to corporate HR were basically ignored and no action was taken to alleviate the situation. Instead, my supervisor belittled my complaints and retaliated against me by

giving me the cold shoulder, cutting my hours, taking away shifts that I used to get, and giving me a poor performance review that was not consistent with my actual performance.